

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Carmen Allen,

Plaintiff,

Case No. 12-cv-12211

v.

Honorable Sean F. Cox
United States District Court Judge

Michael J. Astrue, Commissioner of
Social Security Administration,

Defendant.

OPINION AND ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

On May 21, 2012, Plaintiff Carmen Allen (“Allen”) filed her Complaint, requesting that this Court review the denial of her social security disability benefits. (Docket Entry No. 1.)

On May 22, 2012, this matter was referred to Magistrate Judge Mona K. Majzoub. (Docket No. 2.)

On November 13, 2012, this Court entered Judgment, reversing the Commissioner’s decision and remanding to the agency for further evaluation pursuant to the fourth sentence of 42 U.S.C. § 405(g). (Docket Entry No. 12.)

On December 6, 2012, Allen filed her Motion and Brief Seeking an Attorney Fee Pursuant to the Equal Access to Justice Act. (Docket Entry No. 13.) On December 18, 2012, Defendant Commissioner of Social Security filed his response, stating that he had no objections to Allen’s motion. (Docket Entry No. 15.)

In a Report and Recommendation (“R&R”) entered on April 15, 2013, Magistrate Judge

Majzoub recommended that Allen's Motion and Brief Seeking an Attorney Fee Pursuant to the Equal Access to Justice Act [Docket Entry No. 13] should be granted and that Allen be awarded \$2,696.10 in fees and costs. (Docket No. 17, at 1, 3.)

Pursuant to Federal Rule of Civil Procedure 72(b), a party objecting to the recommended disposition of a matter by a magistrate judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. FED. R. CIV. P. 72(b). "The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made." *Id.*

The time for filing objections to the R&R has expired, and neither party filed any objection to the R&R.

The Court finds that the issues have been adequately presented in the parties' briefs and that oral argument would not significantly aid the decision making process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motion will be decided on the briefs.

IT IS ORDERED that this Court **ADOPTS** the April 15, 2013, R & R [Docket No. 17]. Accordingly, this Court **GRANTS** the Allen's Motion and Brief Seeking an Attorney Fee Pursuant to the Equal Access to Justice Act [Docket Entry No. 13].

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: May 8, 2013

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_____ /

PROOF OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 8, 2013, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager